

FY07 Policy Statement for Fines and Fees: Clerk of the Circuit Court

Policy and Procedure

Code of Virginia Pursuant to § 19.2-349A, Code of Virginia, the clerk of the circuit court and district court of every county and city shall submit to the judge of his court, the Department of Taxation, the State Compensation Board and the attorney for the Commonwealth of his county or city a monthly report of all fines, costs, forfeitures and penalties which are delinquent more than 30 days, including court-ordered restitution of a sum certain, imposed in his court for a violation of state law or a local ordinance which remain unsatisfied, including those which are delinquent in installment payments. The monthly report shall include the social security number or driver's license number of the defendant, if known, and such other information as the Department of Taxation and the Compensation Board deem appropriate. The Executive Secretary of the Supreme Court shall make the report required by this subsection on behalf of those clerks who participate in the Supreme Court's automated information system.

Policy Prompt payment of fines and fees are ordered by the Court as a form of punishment for an offense committed, as well as a legitimate source of revenue for the locality and the Commonwealth. A Circuit Court Clerk must take all measures under the law to ensure that all fines, costs, penalties, forfeitures, and restitution as ordered by the Court are paid in full.

Procedure Circuit Court Clerks must follow these procedures to ensure the collection of fines and fees:

- All costs and fines assessed by the Court are due and payable in full at the time the Court pronounces judgment unless the Judge directs otherwise;
- Payment is made in full at the time of sentencing or a deferred payment date or an installment plan is established; and
- If the debtor is unable to pay the total amount due, the court follows an established procedure to ensure that the debtor understands the total dollar amount owed, the mechanics of making payments and the consequences of failing to pay as agreed.

Actions if the debtor fails to pay as agreed:

- Unpaid costs and fines constitute a judgment against the debtor in favor of the Commonwealth and are docketed as such;
- If the debtor fails either to pay in full by the agreed upon due date or to meet the obligations of the installment payment plan, the Clerk will file an abstract with the Department of Motor Vehicles to effect a suspension of the debtor's drivers license and the registration certificate and license plates of any automobile registered solely in the name of the debtor;
- At any point past the final judgment date and the exhaustion of appeals, the outstanding debt should be forwarded to the Commonwealth's Attorney or his/her designee; and
- No less frequently than annually, all outstanding debts are to be referred to the Department of Taxation's Debt Set-off program.

Effective Date This policy was effective July 1, 1997, unless otherwise noted, and shall remain in effect unless further amended by Circuit Court Clerks. Any amendments to this policy shall be communicated to and are subject to review by the Compensation Board.

Frank Drew, Chairman
Compensation Board

Date

Certification

I am in compliance with the requirements of § 19.2-349, Code of Virginia, and the Supreme Court Guidelines and Model Form Contract for the Collection of Unpaid Fines, Costs, Forfeitures, and Penalties by Private Contractors, dated January 14, 1999.

Printed Name of Clerk

Locality

Signature of Clerk

Date